IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

WP(C).No. 27831 of 2006(L)

PETITIONER:

GOPAKUMAR K.V.,
PULPRA KUTTIKATTU HOUSE,
SREEMOOLANAGARAM P.O., ALUVA-683 580.

BY ADV. SRI.A.JAYASANKAR
SRI.MANU GOVIND

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENTS,
TRIVANDRUM.

2. SREEMOOLANAGARAM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY,
SREEMOOLANAGARAM P.O., ALUVA.

*ADDL.R3.RAMACHANDRA MENON, S/O.K.GANGADHARA MENON,
PULPRA KUTTIKKADU HOUSE, SREEMOOLANAGARAM,
ERNAKULAM DISTRICT.

*ADDL.R3 IS IMPLEADED AS PER THE ORDER DATED 18.1.07
IN I.A.NO.17177/06.

R1 BY GOVT. PLEADER MR.MATHEW G.VADAKKEL
R2 BY ADV. SRI.K.S.AJAYAGHOSH
R3 BY ADV.SRI.MOHAN C.MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No.27831 of 2006

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Dated: 24th January, 2007

JUDGMENT

Heard Mr.A.Jayasankar, counsel for the petitioner, Mr.K.S.Ajayagosh, counsel for the 2nd respondent-Panchayat and Mr.Mohan C.Menon, counsel for the additional third respondent. Perused the materials placed on record including the series of photographs placed before me by Mr.Mohan C.Menon, counsel for the additional third respondent together with a rough sketch. The photographs and sketch will form part of the records of this case.

2. I am convinced on the basis of the submissions addressed before me that this Writ Petition is yet another sequel of an ongoing subsisting civil dispute over immovable properties between the petitioner and the other members of his family. In fact the road in question, it is seen, was constructed on land which seems to have been surrendered at some distant point of time by the members of the family. The Civil Court is also in seisin of the matter and an order directing maintenance of status quo is already passed by the Civil Court. The Panchayat therefore is certainly justified in waiting for the final verdict of the Civil Court. Moreover, I am not at all convinced that the instant case is a fit one where this court will be justified in invoking the extra-ordinary jurisdiction under Article 226 of the

Constitution for granting the reliefs sought for. The Writ Petition will stand dismissed, but in the circumstances without any order as to costs.

srd **PIUS C.KURIAKOSE, JUDGE**